IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 110 (S/S) 2007

Devesh Sharma S/o Sri RamSahani Sharma,
Posted as Assistant Teacher (L.T.),
Govt. Intermediate College, Batuliya,
District Almora. ..... Petitioner.

Versus

1. Director Vidyalayi Shiksha Uttaranchal,
   Mayur Vihar, Shahstra Dhara Road, Dehradun,
2. Additional Director of Education, Kumaon Region,
   Nainital,
3. District Education Officer, U. S. Nagar,
4. Principal Govt. Intermediate College,
   Batuliya, Almora. .....Respondents.

Sri S.S. Adhikari, learned Counsel for the petitioner,
Sri Subhash Upadhyay, learned Standing Counsel for State,

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Adhikari, learned Counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. Issue a writ, order or direction in the nature of mandamus directing the respondents to transfer the petitioner forthwith in accordance with the order dated 28.10.2006 passed by the respondent no. 2 from Govt. Intermediate College Batuliya, Almora to Govt. Intermediate College, Beriyadaut, Udham Singh Nagar,

b. Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

c. Award the cost of the writ petition to the petitioner.

By the impugned order dated 28th October 2006 as many as 12 persons working as Assistant Teacher were transferred by the Addl. Director of Education, Kumaon Division, Nainital. The petitioner has submitted that, except the petitioner all other persons of the same list have been permitted to join at the new place of their posting, however the petitioner has been directed to join at the place where he was working earlier. This order has been passed by the district Education Officer, Udham Singh Nagar.

Counsel for the petitioner has submitted that in this regard, the petitioner has already moved representation on 20.12.2006, which is annexure-6 to the writ petition. Again the reminders were sent by the petitioner on 11.01.2007 and 29.01.2007, which are annexed as annexure no. 7 & 8 to the writ petition. Counsel for the petitioner has confined his prayer during the course of argument, that the respondents be directed to decide his representation within the period prescribed by this Court.

In the circumstances above, the Director of Education/ respondent no. 1 is directed to take decision on the representation of the petitioner within a period of three weeks form the date of production of a certified copy of this order. While taking decision on the representation of the petitioner, the Director of Education shall take into consideration the fact that all other persons of the same list who were transferred

alongwith the petitioner, as alleged by the petitioner, have been permitted to join at new place of posting, but the petitioner has been deprived of.

With these directions, the writ petition is finally disposed of.

(M.M. Ghilidyal, J.)

February 22, 2007:
NCM: